

99 a platform situated adjacent the top of the container to aid an individual in gaining access to the top of the container.

REMARKS

The present Amendment is submitted in response to an Office Action dated July 2, 2002. In the Office Action, the Examiner objected to the disclosure due to an informality. In addition, claims 14-15 were objected to under 37 CFR 1.75(c) as being in improper dependent form. Further, claims 6, 7, and 10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Still further, claims 1-8 and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard (U.S. Patent No. 5,168,709) in view of Schwartz et al. (U.S. Patent No. 5,813,849). In addition claims 9-13 were objected to as being dependent upon a rejected based claim.

With respect to the objection to claims 9-13 as being dependent upon a rejected base claim, Applicants have rewritten claims 9-13 in independent form, including all of the limitations of the base claims and any intervening claims, as newly added claims 21-25. Therefore, Applicants respectfully submit that the newly added claims 21-25 are in allowable form.

With respect to the objection to the specification because it appears, on page 3, line 39, to include a claim, Applicants respectfully submit that the amendment to the specification overcomes the objection thereto. More specifically, Applicants have deleted the following: "The system of claim 1 wherein the flare incinerates a plurality of chemicals", and have replaced this sentence with: --In an embodiment of the present invention, the flare is capable of incinerating a plurality of chemicals.-- Applicants respectfully submit that the amendment to the specification overcomes the objection thereto.

With respect to the objection of claims 14 and 15 under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim, Applicants have amended claims 14 and 15. More specifically, claim 14 has been amended to define that the flare is capable of incinerating a plurality of chemicals. In addition, claim 15 has been amended to define that the mobile railcar comprises a quantity of chemicals selected from the group consisting of liquified petroleum gas and anhydrous ammonia. Applicants respectfully submit that the claims overcome the objections thereto.

With respect to the rejections of claims 6, 7, and 10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Applicants have amended claims 6, 7, and 10. More specifically, Applicants have deleted "second" from claim 6 so that the nitrogen vaporizer is attached to merely a section of the first pipe, rather than a second section. In addition, the "liquid" and "vapor" pipes of claims 7 and 8 have been amended so that the pipes are now --internal-- pipes. In addition, claim 10 has been amended to depend from claim 9. Applicants respectfully submit that the amendments to claims 6, 7, 8 and 10 overcome the rejections thereto.

With respect to the rejection of claims 1-8 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Bombard in view of Schwartz et al., Applicants respectfully submit that the claims, as amended, distinctly define the present invention from any of the art of record, taken alone or in combination, for the reasons that follow.

More specifically, independent claim 1 has been amended to define that the system is utilized for cleaning mobile railcars, rather than pressurized containers. In effect, Applicants have incorporated claim 2 into claim 1. Nothing in the art of record teaches or suggests this combination of features. In fact, as stated by the Examiner, "Bombard does not expressly disclose utilizing a nitrogen storage tank, a flare, or the mobile container

being a rail car tank." (Office Action, ¶8, lines 8-10). Moreover, the Examiner states, "Schwartz et al. teaches that it is known to utilize gas-blanketed storage tanks with inert gas, such as nitrogen, a flare, conventional vapor recovery loading nozzles (pipes), and control means with a plurality of switches, in order to safely dispose of exhaust gases in the removal of volatile liquids from a mobile rail car tank." (*Id.*, ¶ 8, lines 11-14) Schwartz et al. merely teaches a flare, and makes no mention of the other features indicated by the Examiner. Specifically, the Schwartz et al. teaches nothing remotely similar to a system including a mobile railcar. Although Gammell (U.S. Patent No. 4,098,303) was briefly cited, it was not incorporated into the §103(a) rejection.

With the analysis of the deficiencies of the Bombard and Schwartz et al. patents in mind, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Examiner as required under 35 U.S.C. §103(a). Since the Examiner has failed to establish a *prima facie* case of obviousness in combining Bombard with Schwartz et al., the rejection of the claims under 35 U.S.C. §103(a) is improper and should be withdrawn.

Claims 3 and 5-20 depend from independent claim 1. These claims are further believed allowable over the references of record for the same reasons set forth above with respect to their parent claims since each sets forth additional steps of Applicants' novel system.

CONCLUSION

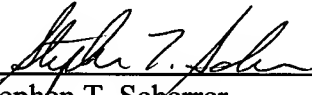
In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone the Applicants' attorney so that the same may

be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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